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UNCLAS SECTION 01 OF 10 PORT AU PRINCE 000199

SENSITIVE
SIPDIS

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STATE FOR WHA/PPC, WHA/EX, AND WHA/CAR FOR JTILGHMAN
WHA/EX PLEASE PASS USOAS
STATE PLEASE PASS AID FOR LAC/CAR
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E.O. 12958: N/A
TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#)
HA, PGOV
SUBJECT: HAITI'S SUBMISSION FOR THE NINTH ANNUAL TIP REPORT

REF: A. SECSTATE 132759
[1](#)B. PORT-AU-PRINCE 00121

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[1](#)1. This message is sensitive but unclassified - please protect accordingly.

The following are Post's responses to reftel questions posed for the reporting period.

HAITI'S TIP SITUATION

[1](#)2. (SBU) Question 23:

-- A. Reliable sources for additional information include a USAID-funded study conducted by Glenn R. Smucker and Gerald [1](#)F. Murray (December 2004), the UNICEF Child Alert report (March 2006) and the Government of Haiti Ministry of Public Health report, Mortality and Morbidity (2005-2006).

USAID funded an additional study conducted by anthropologist Glenn R. Smucker. Electronic copies are available. The report analyzes the situation of restavek children in Haiti. The report is scheduled for release in February/March 2009. The U.N. Stabilization Mission in Haiti (MINUSTAH) will release the 'Eighth Global Report to the Secretary General on Children and Armed Conflict in Haiti' in March/April 2009.

-- B. Haiti is a country of origin for internationally trafficked men, women and children. Most trafficking in persons in Haiti involves children. Children from rural areas move to urban cities for domestic labor, where they are commonly referred to as 'restaveks' (Creole word derived

from the French words ''rester avec'' meaning ''to stay with''.) Several local and international NGOs differ on whether restavek children are victims of trafficking. Some consider all restaveks as victims of trafficking. Others consider only abused restaveks as trafficking victims, pointing to the significant number of restavek children who live in social fosterage arrangements that offer better conditions and opportunities than their households of origin.

Throughout the reporting period and following an economically devastating season highlighted by violent riots and hurricanes, poor rural families continued to send their children to live and work as domestic servants with extended family members or friends or wealthier families. Many NGOs report that the incidence of restavek trafficking in urban areas has markedly risen. Sending families hope that the child will receive a better quality of life that includes food, shelter and access to education, in exchange for performing domestic chores. While some restaveks are cared for and receive an education (most attend school in the afternoon or evening after completion of chores), many are exploited and considered victims of trafficking. These children work excessive hours, receive no schooling or payment and are often physically and/or sexually exploited. An officer in MINUSTAH's Child Protection Unit Officer reported that approximately 75 percent of restaveks are in abusive situations. Some children escape abusive households and become homeless street children. Oftentimes, restaveks and street children lack birth certificates. The MINUSTAH Child Protection Officer admitted the need for a bi-national study on migration between Haiti and the Dominican Republic which could establish reliable data on how many trafficking victims in Haiti and the Dominican Republic are of Haitian origin.

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The Government of Haiti (GoH) estimates that number of restaveks as 90,000 to 120,000. UNICEF estimates run higher, between 250,000 and 300,000. The UN Stabilization Mission in Haiti's (MINUSTAH) Child Protection Unit estimates that there are between 170,000 and 200,000 restaveks, 65 percent of which are girls. UNICEF's 2006 Child Alert report noted that one out of ten children in Haiti is a restavek.

Haitian law does not specifically prohibit trafficking in persons, although labor legislation and other laws, including those prohibiting and penalizing slavery, kidnapping and rape, could be used to combat trafficking. Post is not aware of a case where these laws are used in practice. Article 350 of the Haitian labor code requires payment to domestic workers over the age of 15. This law encourages receiving families/employers to dismiss restaveks before they reach that age, which in turn contributes to a large population of homeless street children. The informal and deeply-rooted practice of restavek has existed for generations and is directly related to Haiti's poverty, lack of economic alternatives, and/or cultural norms of Haitian extended families.

Most trafficking occurs within Haiti's borders and within areas of government control. Absent an anti-trafficking law and law enforcement capacity, including human and financial resources, the GoH lacks a comprehensive counter trafficking response to curb trafficking, protect victims and facilitate prosecution of traffickers. An unknown number of Haitian women, men and mostly children are trafficked into the Dominican Republic, the Bahamas, the U.S., Europe, Canada and Jamaica to work in domestic service, agriculture, construction, among whom an unquantified amount are similarly subject to abuse. Some women and minors are also trafficked for sexual exploitation. An increasing number of Haitian economic migrants illegally enter the DR where some reportedly become trafficking victims.

Several NGOs reported a sharp increase in 2008 of Haitian

children trafficked for sexual and labor purposes, especially to the Dominican Republic and the Bahamas.

Recent comprehensive figures on the trafficking of persons across the country's borders are not available. The most recent study of cross-border trafficking, conducted jointly by UNICEF and IOM and published in August 2002, found that between 2,000 and 3,000 Haitian children were sent to the Dominican Republic each year. Girls between the ages of five and fourteen are more vulnerable for placement in urban households, while boys usually work in the agriculture sector. Glenn R. Smucker's 2004 study of trafficking of Haitian children indicated that despite the existence of GoH and NGO estimates of the number of restavek children, there are no reliable figures.

There is anecdotal evidence that some women who travel voluntarily to the DR as economic migrants become victims of sexual trafficking. A local NGO, the Support Group for Repatriates and Refugees (Group d'Appui aux Repatriates et Refugies - GARR) -- documented that in 2008 unidentified 'traffickers' promised 49 Haitian women work in the Dominican Republic and upon arrival were asked to prostitute themselves. Some NGOs report sexual commercial exploitation of Haitian women and girls at resorts in the Dominican Republic. There are no reliable statistics.

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During the reporting period, Haiti has experienced severe political and economic disruptions. The country experienced serious inflation in food and fuel, which contributed to the April 2008 food riots. Following these, Haiti was left without a government for five months. Hurricanes and tropical storms that ravaged much of Haiti during a three-week period in August and September killed nearly 1,000 people, displaced 150,000, and caused extensive crop and livestock damage. The global financial downturn has slowed the flow of remittances. The social and economic disruptions in the reporting period have increased the pressures thought to contribute to both trafficking and the prevalence of 'restaveks.'

-- C. While some restaveks received adequate care including an education, the Ministry of Social Affairs and reputable NGOs believed that many host families compelled the children to work long hours (cooking, cleaning, ironing, grocery shopping) while providing them inadequate nourishment, and frequently abusing them. Many restaveks worked in low-income households; where living conditions, food, health care and education for non-biological children were lower priorities. Although not all restaveks are victimized, it is believed that significant numbers are sexually exploited or otherwise abused. However, there are no reliable statistics.

-- D. Poor children, women and men in Haiti are at risk of being trafficked. Many Haitian babies never receive a birth certificate thereby making him/her more susceptible to trafficking and/or exploitation. MINUSTAH Child Protection Officer said there are very few legal protections offered to undocumented Haitians.

Most Haitian adults do have identity cards which were required of vetting in previous elections. Lack of national identification cards for some adults 18 and over also makes those individuals more vulnerable to trafficking. The GoH's Office of National Identification (ONI), with technical assistance from the Organization of American States (OAS) and the Government of Canada, is making efforts to make more available national identification cards. ONI began distribution of 170,000 new cards in the Artibonite, West, and North West department and hopes to issue 700,000 for new voters before Haiti's partial senatorial elections in April.

NGOs such as Save the Children (STC) work with children with different types vulnerabilities to educate them and promote

their rights. STC worked with local organizations targeted at youth, specifically the Haitian Coalition Defending Child Rights' Observatory, which monitors and collects information on children and shelters catering to children. The collection of this data aids STC to identify cases of exploitation, violence and trafficking. Many other organizations rely on information shared from local NGOs and community organizations.

-- E. Often times, children are sent to live with non-family because the nuclear family lacks the resources to adequately provide for the child. According to UNICEF, prospective employers or intermediaries (traffickers) visit families and promise, often mendaciously, that their children will be fed, educated and cared for. Following the devastating hurricane season, NGOs reported to a USAID-Haiti officer an increase in transactional sex in the Artibonite area. NGOs speculated that a large number are restavek children.

SETTING THE SCENE FOR THE GOH'S ANTI-TIP EFFORTS

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13. (SBU) Question 24:

-- A. The GoH acknowledged that trafficking is a problem. Many GoH institutions admitted that they lack sufficient human, technical or financial resources to effectively counter trafficking in persons or provide services to trafficking victims.

-- B. Government agencies involved in anti-trafficking efforts include:

The Social Welfare Institute (IBESR)
The Ministry of Social Affairs and Labor (MAST)
The Ministry of Interior and Territorial Collectivities
The Ministry of Justice and Public Security
The Ministry of Foreign Affairs
The Haitian National Police's (HNP) Brigade for the Protection of Minors (BPM)

The Institute of Social Welfare and Research (IBESR) and the BPM are the lead agencies combating trafficking of children in Haiti. The Ministry of Social Affairs and Labor (MAST), through (IBESR), is legally responsible for enforcing child labor laws and is mandated to lead anti-child trafficking efforts. Most NGOs cite IBESR's weak administrative capacity and its lack of resources and support from the GoH. The same NGOs, however, say that IBESR is cooperative and takes advantage of training opportunities and NGO assistance. IBESR lacks the resources to conduct independent investigations into child trafficking or domestic servitude although they have occasionally assisted other agencies and NGOs.

The BPM is responsible for investigating crimes against children and implementing child protection measures, including against trafficking. However, as a matter of policy, it does not seek or pursue restavek cases given the absence of legal penalties against the practice. The BPM has two holding cells in Port-au-Prince to serve as temporary housing for minors. The BPM also lacked resources and training to work effectively.

Minister of Social Affairs Gabrielle Baudin and Minister of Feminine Condition Marie Laurence Jocelyn Lassague strongly supported both the anti-trafficking and adoption draft laws, neither of which was inserted into the 2008-09 legislative agenda.

-- C. The GoH's ability to adequately address trafficking in persons continues to be hampered by inadequate government resources (including lack of capacity to adequately monitor land and maritime borders); by government corruption; by

inadequate numbers, training and equipment for the national police; and by perennially weak institutions. The absence of criminal penalties for holding restaveks, in conjunction with continuing (albeit eroding) social acceptance of the practice, remain impediments to eradicating the restavek phenomenon. The Ministry of Social Affairs, supported principally by IOM and other NGOs, submitted the anti-trafficking law to Parliament in April 2008. However, the Parliament did not register it on the 2008-2009 legislative agenda. There is no general consensus as to why the legislation was removed from the agenda.

-- D. The GoH has no systematic monitoring mechanism to

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document anti-trafficking efforts. The GoH, specifically IBESR, provides unofficial basic reports upon request to NGOs such as UNICEF recording visits to orphanages and shelters (i.e. accounting for the number of children). Other NGOs such as IOM, Save the Children and the Pan American Development Foundation (PADF) receive no reports from the GoH.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

14. (SBU) Question 25:

-- A. Haiti does not have a law specifically prohibiting the trafficking of persons, either for sexual purposes or labor. There are no legal penalties for employing children in domestic labor as restaveks. However, children ages 15-18 years old must obtain a work authorization from the Ministry of Labor and employing a minor without the authorization is punishable by fines. There are other laws available to the GoH for use in combating human trafficking which the Government does not apply to restavek situations. These include labor laws and laws prohibiting and penalizing slavery, kidnapping and rape. Haitian law prohibits the forced labor of adults and children.

An assembly of international donor agencies, local and international NGOs, commonly known as the ''Collectif,'' has plans to continue to pressure Parliament to add the anti-trafficking law to the 2008-09 legislative agenda. Thereafter, it plans to offer training to members of parliament on trafficking that would educate members them on the distinction between abusive/exploitative and non-abusive restaveks.

-- B. Haiti does not have specific penalties for trafficking people for sexual exploitation.

-- C. Haiti does not have specific penalties for trafficking people for labor exploitation.

-- D. In September 2005, the president of the Interim Government issued a decree criminalizing rape. The penalty for rape is a minimum of 10 years, increasing to 15 years if victim is younger than 16 years old, and life or hard labor for premeditated rape. There is no specific penalty for, or statute prohibiting trafficking for commercial sexual exploitation.

National police statistics showed that 282 rapes were reported during 2008, an 89 percent increase from the 2007 figure of 149. Ninety rape victims were adult women, 189 were female minors, two were adult men, and one was a male minor. Post does not know how many of these cases, if any, were linked to trafficking. MINUSTAH cited difficulty in persuading judges and the Haitian national police to give adequate attention to rape cases.

In 2007 doctors and hospitals began issuing free medical certificates to victims of sexual aggression, including rape, for use when pressing charges against attackers. The Ministry of Feminine Condition strongly advocated this

initiative.

-- E. Lacking an anti-trafficking law the GoH did not prosecute any cases against traffickers. Most reporting generally comes from UN agency analyses, local and international NGOs. The government did not collect

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statistics on trafficking or exploitation.

-- F. NGOs offered training to GoH officials on how to recognize trafficking. PADF, through a USAID-funded program, conducted multiple training sessions for local NGOs, IBESR and BPM on identification of trafficking in persons activity. Save the Children implemented two projects that aimed to enhance GoH capacity to protect Haitian children, combat trafficking in persons and address the needs of child victims. Training themes included (''identification of sexually abused children, assistance to victims, reinsertion of victims into their families, non-violent discipline in the family, and child rights. STC reported that the GoH was cooperative and participated in many training sessions offered.

-- G. Refer to answer in Question 25 E.

-- H. Haitian law prohibits the extradition of Haitian nationals under any circumstances and for any crime. There is no effort within the GoH to modify that law.

-- I. There is no evidence that GoH officials are involved in or tolerate trafficking.

-- J. N/A

-- K. Prostitution is illegal in Haiti; however, there are no specific penalties for persons engaging in related activities, such as brothel owners/operators, clients, pimps or enforcers. Despite the law, prostitution remains a widespread practice, particularly among women and girls. Local NGOs reported that police generally ignored prostitution. NGOs report an increase in prostitution in the Gonaives and St. Marc areas following the 2008 hurricanes.

STC works with an all-girl shelter catering to street children. STC reported that a number of the girls were victims of child prostitution. STC did not provide the exact number. GARR has a project in two border towns, Perdenales and Lascahobas, that offers services to prostitution victims.

-- L. Haiti does not contribute troops to international peacekeeping forces. Haiti does not have a standing military.

-- M. Haiti does not have an identified problem of child sex tourists coming to the country. Some NGOs, however, shared reports of UN military personnel exploiting child prostitutes in Haiti. The GoH helped the Government of Canada authorities investigate and collect evidence to prosecute two Quebec aid workers for abusing teenage boys while working at an orphanage in Les Cayes in November 2008. A Canadian court tried and sentenced the perpetrators to two years in prison. The Haitian National Police, with the support of and cooperation from UNPOL, IBESR and NGOs, led the investigation.

Haiti is a transit and destination country for Dominican women and girls on a smaller scale. Women (ages unknown) from the Dominican Republic are frequently trafficked into Haiti for prostitution. Also refer to answer in Question 25 E.

PROTECTION AND ASSISTANCE TO VICTIMS

15. (SBU) Question 26:

-- A. Haiti does not have an anti-trafficking law that mandates protection to Haitian citizens. The GoH lacks resources and therefore provides few direct resources to assist victims of trafficking. The recently renovated shelter for children in Carrefour, the ''Centre d'Accueil,'' presently holds 400 children with five caretakers.

All institutional care centers are privately-run. The GoH refers orphans and street children to the institutions. The capacity of the GoH to monitor these centers in the capital is improving but remains weak at the departmental level. UNICEF provides support to IBESR (social welfare agency of the Ministry of Social Affairs) in strengthening the monitoring and evaluation system of such institutions. IBESR has evaluated 73 of 133 registered care centers in Port-au-Prince. IBESR issued injunctions to centers that need to improve knowledge and practice of child rights and protection.

MINUSTAH's Child Protection and Civil Affairs Units provides support to the four regions where IBESR is represented- Port-au-Paix, Cap Haitien, Gonaives and Jeremie, but IBESR's limited local capacity provided minimal progress. Many NGOs provided services to a number of repatriated Haitians from the DR, but it is unclear exactly how many recipients were victims of trafficking.

Appeal for emergency relief following the August-September hurricanes exposed a number of unregistered orphanages. Many of the children were found not to be orphans and are believed to be exposed to child trafficking and exploitation outside of a legal and protective environment. IBESR and UNICEF estimate up to 500 unauthorized institutions hosting children.

-- B. The GoH generally did not provide protection, shelter or assistance to victims and witnesses. The GoH referred victims to NGOs for services. International agencies and NGOs such as UNICEF, PADF (USAID-funded) and Save the Children (STC) offered support programs designed to assist street children and/or trafficked victims with daily needs and to explore re-insertion into biological families. Save the Children reinserted 28 trafficked girls into their homes. STC representative said that out of the 600 children it has worked with in the last year, 70-80 percent were restaveks and street children.

PADF, in a USAID-funded project, supported two shelters throughout Haiti and helped place approximately 250 children (homeless street children and restaveks) in protective shelter and protective services in Port au Prince and Cap Haitien in 2008. PADF reported that there are approximately 3,000-4,000 restaveks in Cap Haitien. PADF fully supported 19 documented restaveks who were subject to abuse. The children received shelter, food, medical care and access to education. PADF also supported approximately 230 children in a shelter facility in Port au Prince that offers a range of temporary and some permanent services.

-- C. Haiti's FY 2009 national budget allocated USD 925,000 (37,000,000 Haitian Gourdes) to the Ministry of Social Affairs' IBESR, of which USD 675,000 is specifically for salaries and USD 250,000 for purchase of equipment and other expenses. IBESR generates additional revenue from adoption fees and other service fees that are also mainly used for salaries. IBESR's limited budget constrains capacity to invest in counter-trafficking or exploitation cases.

The GoH did not provide funding to NGOs for services of trafficking. The GoH, especially IBESR, however, was more actively involved in the monitoring of shelters and orphanages. Also refer to answer in Question 26 A.

-- D. Refer to answer in Question 26 A.

-- E. The government assisted in providing longer-term shelter only in the case of a limited number of children. See Question 26 A.

-- F. BPM, in its mandate of child protection, has the task of referring all children in custody to IBESR for disposition. Refer to answer in Question 26 A.

-- G. The most recent study of trafficking across the border in August 2002, conducted jointly by UNICEF and IOM, found that between 2,000 and 3,000 Haitian children were sent to the Dominican Republic each year. Several NGOs reported a sharp increase during 2008 of child trafficking for sexual and labor purposes, especially to the Dominican Republic and the Bahamas. UNICEF estimated that approximately 30,000 children were trafficked into the DR. The Support Group for Repatriated and Refugees (Group d'Appui au Repatriates et Refugies -GARR), a local respected and specialized NGO working on the Haiti-DR border since 2001, noted a substantial increase in child trafficking to the Bahamas; exact numbers are unavailable.

GARR reported that Dominican authorities repatriated to Haiti 746 Haitian children. GARR is not aware of how many were victims of trafficking. A trafficking victim does not usually disclose that he/she was trafficked or abused. GARR also reported that in June 2008, 75 children were arrested and repatriated from the Dominican Republic. GARR was unaware of how many, if any, were trafficking victims. The Dominican Republic in July repatriated 115 Haitians, mostly women and children who were engaged in child labor and/or sexual exploitation activities. According to IOM, based on reports from its contacts in local and community organizations, approximately 30,000 children are trafficked into the DR each year. However, Post is unaware of any reliable statistical data which would support a figure of this magnitude. MINUSTAH reported information from local NGO Solidarite Fwontalye that on June 24, Dominican authorities repatriated 45 minors (28 girls and 17 boys) to Ouanaminthe (close to Cap Haitien). Post is unaware if any were trafficking victims.

In July 2008, MINUSTAH, in partnership with IOM and PADF (USAID-funded), provided support to Haitian authorities for the transportation of 47 children victims of trafficking, aged between two and eight years, from Port au Prince to be reunified with their families in Jeremie.

-- H. The GoH acknowledged the problem of internal trafficking, including that of children. BPM, a branch of the Haitian national police, investigated cases of child trafficking and monitored the movement of children across the border with the DR but faced barriers, such as the lack of a law and meager resources, to achieve operational effectiveness. Local and international NGOs were at the forefront of combating international trafficking of children.

-- I. Victims are not fined, prosecuted, detained, jailed or deported.

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-- J. There is no evidence that the GoH encourages victims to assist in the investigation and prosecution of trafficking. Victims with financial means may file a civil suit against alleged traffickers, but lawsuits may take several years to litigate. The GoH does not have a victim restitution program.

-- K. Refer to answer 25 F.

-- L. The GoH is mandated by law to provide financial assistance to its repatriated nationals regardless of circumstance. Financial assistance is not contingent upon

being a victim of trafficking. The GoH is responsible for providing approximately USD 10 to assist in the repatriates return to his/her region of origin and a meal. Some NGOs stated that the GoH did not habitually provide these services in practice.

-- M. The Pan American Development Foundation (PADF) provides direct services to trafficked children, including shelter, education and health care, and supports the training of GoH officials to identify trafficking victims and activity and promotes advocacy efforts. PADF is also helping create a cross-border awareness campaign; a program for referral to shelters and protection services for women and children; an expansion of temporary border area shelter capacity and victims care services; and training of border area authorities.

Other intergovernmental organizations and NGOs that work with trafficking victims and receive cooperation from the GoH include MINUSTAH, UNICEF, IOM, STC, GARR, Catholic Relief Services (CRS), World Vision and Solidarite Fwontalye/Solidaridad Fronteriza, among several other local NGOs and community organizations. Refer to answers in Questions 23 D, 24 C, 25 E, 25 F, 25 K, 26 A and 26 B.

Local authorities cooperated in referring and coordinating the abovementioned services.

PREVENTION

16. (SBU) Question 27:

-- A. The GoH did not sponsor anti-trafficking information or education campaigns during the reporting period. NGOs did sponsor such programs for the broader public, such as radio announcements in border towns, in cooperation with GoH officials.

-- B. The National Office of Migration (ONM) mandate includes documentation and registering of trafficking cases. NGOs reports that the ONM does not fulfill its mandate and that most statistics it produces are unreliable.

The GoH lacks the resources and manpower to adequately monitor and secure its borders. Airport officials ask additional questions and require supplemental documentation before clearing unaccompanied minors.

-- C. The assembly of NGOs and foreign donor agencies known at the ''Collectif'' (referred to in Question 25 A), is the only mechanism between various agencies, internal, international, or multilateral on trafficking-related matters.

-- D. The GoH has no national plan of action to address trafficking in persons.

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-- E. GOH officials' participation in NGO-implemented training is the only measure the government has taken to reduce the demand for commercial sex acts.

-- F. GOH participation in NGO-implemented trainings for its officials is the measure the government has taken to reduce participation in international child sex tourism by nationals.

-- G. Not applicable. Haiti does not contribute troops to international peacekeeping efforts.

NOMINATION OF HEROES AND BEST PRACTICES

17. (U) Post has no nominations for the heroes category or selections for the best practices category.

EMBASSY CONTACT INFORMATION

18. (U) Embassy Economic/Political Officer Madelina Young is the point of contact on trafficking issues. She can be reached at 011-509-22-29-8000 x 8044 or at YoungMM@state.gov.

Ms. Young spent 120 hours on compiling and drafting the report. (Note: After July 6, 2009, please refer all inquiries to Kathy-Lee Galvin at GalvinK@state.gov or 011-509-22-29-8000 x8241. The fax number for Ms. Young and Ms. Galvin is 011-509-22-29-80-24. End note.)

SANDERSON